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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,968	01/02/2001	Peter Rac Shintani	SNY-P4164	1765
24337	7590	05/11/2004	EXAMINER	
MILLER PATENT SERVICES 2500 DOCKERY LANE RALEIGH, NC 27606			FAILE, ANDREW I	
		ART UNIT	PAPER NUMBER	
		2611	#3	
DATE MAILED: 05/11/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.



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Paper No. 3

MILLER PATENT SERVICES  
2500 DOCKERY LANE  
RALEIGH NC 27606

In re Application of )  
Peter Shintani, et al. )  
Application No. 09/752,968 )  
Filed: January 02, 2001 )  
For: TARGETED ADVERTISING DURING )  
PLAYBACK OF STORED CONTENT )

**NOTIFICATION OF  
IDENTIFICATION OF PRIOR  
ART IN LATE PROTEST UNDER 37  
C.F.R. § 1.291(a)**

The protest filed March 26, 2004, is a proper citation under 37 C.F.R. §1.291(a); however it was filed after the September 5, 2002 publication date of the application.

Because the protest was filed after publication of the application it is not being entered in the application file. The original protest is enclosed with this letter and the duplicate copy submitted by the protestor is being destroyed in accordance with MPEP § 1901.06, Protest Filed After Allowance Or The Publication Of The Application.

If appropriate, Applicant may wish to consider submitting prior art from the protest pursuant to 37 C.F.R. §1.97 and 37 C.F.R. §1.56 during the prosecution of the application.

The protest did not satisfy the requirements pursuant to 37 C.F.R. §1.99 for failure to provide copies of the references and failure to pay the appropriate fee.

Dwayne D. Bost  
Special Programs Examiner  
Technology Center 2600  
Communications

Enc: Protest (4 pages)